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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 09/626,815
Applicant(s) : TANAKA, et al.
Filed : July 27, 2000
Title : IMAGE PROCESSING APPARATUS, IMAGE PROCESSING METHOD, AND
STORAGE MEDIUM

Art Unit : 2625
Examiner : Patel, Kanjibhai B

Docket No. : 1232-4638

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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action dated June 19, 2003 constituted a requirement for restriction, which divided the claims in this application into 2 groups. The groups are:

(1) Claims 1-9 directed to an image processing apparatus for generating map having a symbol indicating an installed position of a camera, receiving the image data corresponding to an image picked up by the camera associated and outputting the received image data onto a display, classified in class 382, subclass 276; and

(2) Claims 10-17 directed to an image processing apparatus for inputting an identification name of a camera connected to a network and connection information, receiving tentatively image data from the camera in accordance with the connection information and outputting the identification name of the camera and the connection information onto a display, classified in class 358, subclass 3.15.

As between these two species, Applicants provisionally elect Group I (Claims 1-9) with traverse. Should the Restriction be made final, Applicant expressly reserves the right to represent the non-elected species (Claims 10-17) in divisional applications, if necessary.

According to M.P.E.P. §803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (1) The inventions must be independent or distinct as claimed; **and**
- (2) There must be serious burden on the examiner if restriction is not required.

For the reasons stated in the Office Action, it is the Examiner's position that "invention Group I-II has separate utility such as determination of camera on map and outputting an identification name of a camera connected to network and connection information respectively." The Examiner asserts that as such, the subcombinations are distinct from each other if they are shown to be separately usable. Applicants' submit that the Examiner has not met **both** of the requirements for issuing a proper restriction requirement.

Applicant respectfully submits that: (1) both groups of restricted claims are properly presented in the same application; (2) undue diverse searching would not be required; and (3) all claims should be examined together. Applicant respectfully traverses the requirement for restriction on the grounds that searching all of these inventions would not be unduly burdensome and, in fact, an overlap of searching would be necessary to ensure a complete search for a proper examination on the merits of any one of the identified Groups of Inventions.

There are 17 claims pending in the instant application (i.e., Group I – claims 1-9 and Group II – claims 10-17). Applicants submit that a search of the Group II claims would produce an overlapping search, since class 358, subclass 3.15 – directs a search of class 382, which

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Paper dated July 16, 2003
Reply to Office Action dated June 19, 2003

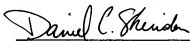
is the class associated with the first group. Accordingly, Applicants respectfully submit that a search of both classes can hardly be classified as imposing a "serious burden".

Applicants respectfully submit that the Requirement for Restriction is improper for at least the reasons stated, and requests that the Restriction Requirement be withdrawn and all pending claims be examined on the merits. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4638.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: July 16, 2003

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